

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRI J. VITT,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

No. 06-7184 CW

ORDER FOR
BRIEFING ON
DEFENDANT'S
MOTION TO DISMISS
FIRST AMENDED
COMPLAINT

On June 29, 2007, Defendant Michael J. Astrue, in his capacity as Commissioner of the Social Security Administration (Commissioner),¹ filed a motion to dismiss Plaintiff's first amended complaint (FAC) pursuant to Federal Rule of Civil Procedure 12(b)(6) on the ground that it is untimely and that the Court lacks subject matter jurisdiction over certain claims. On July 5, 2007, Plaintiff filed a notice of related case, requesting that District Court Judge Susan Illston relate this case to an earlier-filed case before her. Apparently, this was Plaintiff's response to

¹On February 1, 2007, Michael J. Astrue was confirmed as Commissioner for the Social Security Administration, and is therefore substituted for JoAnne B. Barnhart as the named defendant in this action. Fed. R. Civ. P. 25(d)(1).

1 Defendant's motion to dismiss the FAC. On July 24, 2007, Judge
2 Illston ruled that the cases were not related.

3 If Plaintiff wishes to directly respond to Defendant's motion
4 to dismiss the FAC, she must file an opposition no later than
5 fourteen days from the date of this order. Defendant may file a
6 reply one week thereafter. The matter will be determined on the
7 papers.

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10 Dated: 7/31/07

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CLAUDIA WILKEN
12 United States District Judge
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